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In re Application of :  
ROSILIO, Charles *et al* :  
U.S. Application No.: 09/914,455 :  
PCT No.: PCT/FR00/00550 :  
Int. Filing Date: 06 March 2000 :  
Priority Date: 08 March 1999 :  
Attorney's Docket No.: 4464 :  
For: METHOD FOR PRODUCING A TEMPLATE :  
OF SEQUENCES OF CHEMICAL OR :  
BIOLOGICAL MOLECULES FOR A :  
CHEMICAL OR BIOLOGICAL ANALYSIS :  
DEVICE :

## DECISION

This is a decision on the papers filed on 28 February 2005 which are treated as a petition to withdraw the holding of abandonment. No fee is required.

## BACKGROUND

On 19 October 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration and surcharge fee was required. A two-month time period for response was set with extensions of time available.

On 31 January 2002, a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee were provided.

On 21 February 2002, the DO/EO/US mailed a Notification of a Defective Response (Form PCT/DO/EO/916) indicating that a CRF sequence listing diskette was required. Applicants were given one month, or any time remaining in the Form PCT/DO/EO/905 mailed 19 October 2001, whichever was longer.

On 29 April 2002, applicants filed a CRF sequence listing diskette.

On 06 June 2002, the Raw Sequence Listing Error Report from the Scientific and Technical Information Center (STIC) indicated that the diskette filed was unreadable.

On 01 August 2002, the DO/EO/US mailed another Notification of a Defective Response (Form PCT/DO/EO/916) indicating that the CRF sequence listing diskette was damaged or unreadable. Applicants were given one month, or any time remaining in the Form PCT/DO/EO/905 mailed 19 October 2001, whichever was longer.

On 27 August 2002, applicants filed a response which included a substitute CRF sequence listing diskette and hard copy of the sequence listing.

On 14 October 2004, the Raw Sequence Listing Error Report from the STIC indicated that the diskette filed 27 October 2002 contained errors.

On 23 December 2004, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909).

On 28 February 2005, applicants submitted the petition to withdraw the holding of abandonment which was accompanied by, *inter alia*, a copy of the documents filed 27 August 2003 including a new CFR diskette, and a date-stamped postcard receipt for the 27 August 2003 filing.

On 03 March 2005, the Raw Sequence Listing Error Report from the STIC indicated that the diskette filed with the subject petition also contained errors.

### **DISCUSSION**

In the subject petition, applicants' response assumes that the above-captioned application was abandoned for failing to provide a response to the Form PCT/DO/EO/916 mailed 01 August 2002.

This is not the case.

The Office received applicants' response filed 27 August 2002. However, the CRF diskette was deemed to contain many errors. (A copy of the error reports will be provided with this decision.)

As such, the above-captioned application was abandoned for failing to provide a proper response to the Form PCT/DO/EO/916 mailed 01 August 2002.

### **DECISION**

For this reason, applicants' petition to withdraw the holding of abandonment is **DISMISSED** without prejudice.

The application remains **ABANDONED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment." No fee is required. Applicants may also wish

to consider to revive the above-captioned application pursuant to 37 CFR 1.137(a) or (b). A corrected CRF diskette must be provided as the proper reply.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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Enclosures: Raw Sequence Listing Error Report (10-14-04)  
Raw Sequence Listing Error Report (03-03-05)